

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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JOHN WESTLEY,

Case No. 14-CV-5002 (PJS/BRT)

Plaintiff,

v.

ORDER

HENRY L. BRYANT; MINNESOTA  
ATTORNEY GENERAL OFFICE;  
FLORIDA ATTORNEY GENERAL  
OFFICE; JOHN GARRY; KATHLEEN L.  
GEARIN; MIAMI DADE COUNTY;  
JAMES ROBERT MANN; MITCHELL P.  
KORUS; DANIELLE MANN; LAUREL  
M. ISICOFF; DYLAN PUKEL;  
LAWRENCE ALLEN SCHWARTZ;  
BEATRICE A. BUTCHKO; JENNIFER  
VICIEDO RUIZ; JENNIFER D. BAILEY;  
VICTORIA LYNN PLATZER; BAYVIEW  
LOAN SERVICING LLC; CHICAGO  
TITLE INSURANCE; KIMBERLY S.  
LECOMPTE; RICHARD I. KORMAN;  
BRAD HERMAN TRUSHIN; SAPIENT  
CORPORATION; STARBUCKS  
CORPORATION; HBA INSURANCE  
INC.; 605 LINCOLN ROAD OFFICE  
CONDOMINIUM ASSOCIATION;  
RHONDA MONTOYA; PIERO FILPI;  
JAMES KOREIN; DIANE V. WARD;  
FIDELITY & DEPOSIT COMPANY OF  
MARYLAND; HAROLD ROSEN; and  
STINSON LEONARD STREET,

Defendants.

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This matter is before the Court on plaintiff John Westley's objection to the April 17, 2015 Report and Recommendation ("R&R") of Magistrate Judge Becky R. Thorson. Judge Thorson recommends dismissing this action without prejudice for improper venue; denying Westley's motion for leave to file an amended complaint; denying all other motions as moot; and enjoining Westley from filing any further lawsuits, pleadings, or other papers concerning this or related actions unless he is represented by a member of this Court's bar or obtains prior written approval from a judicial officer of this District.

The Court has conducted a de novo review. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Westley's objection and adopts Judge Thorson's R&R.

Only a few matters merit comment: The Court notes that Westley has recently moved for an extension of time to respond to several motions filed shortly before or after Judge Thorson issued the R&R. Those motions do not raise any new arguments concerning venue, however, and thus nothing Westley could say in response to those motions would affect the Court's ruling.<sup>1</sup> In addition, Westley has moved for leave to file a reply to defendants' anticipated responses to his objection. Westley's objection

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<sup>1</sup>One of the motions lists "improper venue" as a ground for dismissal, *see ECF No. 251*, but the accompanying memorandum merely adopts by incorporation the venue arguments made by other defendants to which Westley has already had a chance to respond, *see ECF No. 252*.

consists almost entirely of irrelevant assertions that do not address or concern the issue of venue, however. The Court therefore sees no need for a response from any defendant or to a reply to any response. Finally, the Court agrees with Judge Thorson that Westley's history of abusive filings warrants limiting his ability to file further lawsuits in this District concerning the subject matter of this action.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES plaintiff's objection [ECF No. 281] and ADOPTS the R&R [ECF No. 261]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion for leave to file an amended complaint [ECF No. 202] is DENIED.
2. Plaintiff's motion for leave to file a reply [ECF No. 282] is DENIED.
3. The motions to dismiss for improper venue [ECF Nos. 43, 89, 251] are GRANTED.
4. This action is DISMISSED WITHOUT PREJUDICE for improper venue.
5. All other pending motions are DENIED AS MOOT.
6. Plaintiff John Westley is hereby ENJOINED from filing any further lawsuits, pleadings, or other papers in the District of Minnesota concerning the defendants, facts, or issues involved in this or related actions unless:

- a. Westley is represented by an attorney licensed to practice before this Court; or
- b. Westley obtains prior written approval from a judicial officer of this District.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 12, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge